

**S5.C.7. Source Control Program for Existing Development
Public Review Draft**

S5.C.7.a.

The SWMP shall include a program to reduce pollutants in runoff from areas that discharge to municipal separate storm sewers owned or operated by the Permittee. The program shall include the following:

S5.C.7.a.i.

Application of operational and structural source control BMPs, and, if necessary, treatment BMPs to pollution generating sources associated with existing land uses and activities.

S5.C.7.a.ii.

Inspections of pollutant generating sources at commercial, industrial and multifamily properties to enforce implementation of required BMPs to control pollution discharging into municipal separate storm sewers owned or operated by the Permittee.

S5.C.7.a.iii.

Application and enforcement of local ordinances at applicable sites, including sites that are covered by other stormwater permits issued by Ecology. Permittees that are in compliance with the terms of this permit will not be held liable by Ecology for water quality standard violations or receiving water impacts caused by industries and other Permittees covered, or which should be covered under an NPDES permit issued by Ecology.

S5.C.7.a.iv.

Reduction of pollutants associated with the application of pesticides, herbicides, and fertilizer discharging into municipal separate storm sewers owned or operated by the Permittee.

S5.C.7.b.

Minimum Performance Measures for Source Control Program:

S5.C.7.b.i.

No later than 18 months after the effective date of this permit, adopt and begin enforcement of an ordinance, or other enforceable documents, requiring the application of source control BMPs for pollutant generating sources associated with existing land uses and activities (See Appendix 8 to identify pollutant generating sources).

The requirements of this subsection are met by using the source control BMPs in Volume IV of the 2005 Stormwater Management Manual for Western Washington, or a functionally equivalent manual approved by Ecology.

Ecology review and approval of the ordinance, or other enforceable documents, and source control program is required. Each Permittee shall submit the proposed source control program and all necessary documentation to Ecology for review, no later than 12 months after the effective date of this permit. If Ecology does not request changes within 60 days, the proposed source control BMPs are considered approved.

S5.C.7. Source Control Program for Existing Development

Operational source control BMPs shall be required for all pollutant generating sources. Structural source control BMPs shall be required for pollutant generating sources if operational source control BMPs do not prevent illicit discharges or violations of surface water, ground water, or sediment management standards because of inadequate stormwater controls. Implementation of source control requirements may be done through education and technical assistance programs, provided that formal enforcement authority is available to the Permittee and is used as determined necessary by the Permittee, in accordance with S5.C.7.b.iv., below.

King County adopted its Stormwater Pollution Prevention Manual (SPPM) in 1995 and adopted a major update in 2005. The SPPM identifies potentially polluting activities at commercial sites and the operational, structural, and or treatment best management practices (BMPs) required to prevent pollutants from entering surface, storm, and groundwater. King County has submitted the SPPM to Ecology and has received feedback from Ecology staff about equivalency. Based on that feedback, King County plans to amend the SPPM and submit a draft to Ecology for review by February 16, 2008. KCC 9.12 and Title 23 provide enforcement capability, though the County's usual policy is to visit commercial sites, and provide follow-up correction letters identifying both any source control requirements adequately met and any additional BMPs that are needed. Additionally, commercial sites are denied a discount on the annual Surface Water Management Fee if source control BMPs are not implemented and if the onsite stormwater system is not maintained.

S5.C.7.b.ii.

No later than 18 months after the effective date of this permit, establish a program to identify sites which are potentially pollution generating. The program shall include:

- *Inventory or listing of the land uses/businesses using the categories of land uses and businesses in Appendix 8. The Permittee shall periodically update the inventory as new businesses are identified and business ownership/management and responsibilities change.*

SWS will compile an inventory or listing of businesses by August 2008. A combination of data bases will be used to create the inventory. These data bases are both internal to King County and external from other agencies. The data bases include the following:

1. the existing data base of business/commercial sites that have approved flow control and/or water quality treatment facilities (1458 as of 2/1/08), which is maintained SWS;
2. the existing data base of business/commercial sites with simple drainage conveyance systems (418 as of 2/1/08), which is maintained by SWS
3. the existing data base of all business/commercial designated parcels in unincorporated King County (1556), which is maintained by the King County Department of Assessments (no R/D)

S5.C.7. Source Control Program for Existing Development

4. the existing data base of all properties owned/operated by King County (2500), which is maintained by King County Real Estate Services and the Department of Executive Services Facility Management section
5. the existing Business License data base for unincorporated King County (25,000 licenses), which is maintained by the Washington State Department of Revenue

These existing databases are inadequate for compiling the required inventory. Accordingly, we will implement a small pilot project in April 2008 to determine which of, and how, these databases could be an effective tool to use for compilation or updating the business/site inventory.

The inventory will be updated as new sites are developed and approved through the Department of Development and Environmental Services (DDes) and forwarded to SWS. Updates will also occur during the annual maintenance inspection process or bi-annual self certification process. If new business ownership or type of businesses is noted or reported, the inventory will be updated to reflect the change.

Properties owned by King County that have the potential to produce pollutants will be added to this existing inventory. These will include sites in the KCPR system with over 180 parks (many being more intensely developed and managed for active recreation such as baseball, soccer, etc.), many neighborhood parks, two indoor pools, two outdoor pools, approx. 175 miles of regional trails (either asphalt or gravel surface), nine maintenance facilities, and over 20,000 acres of natural areas. To further aid this process, by August 1, 2008 the Airport will provide a listing of the activities or businesses at the Airport and the potential pollution generation associated with each. The Airport will also provide the applicable operational and structural BMPs planned or implemented for both Airport and Tenant activities.

- *Complaint-based response to identify other pollutant generating sources, such as mobile or home-based businesses.*

SWS inspection staff currently respond to all water quality complaints from citizens, which are received from all King County agencies or referred to SWS by outside agencies. If the complaint involves a mobile or home based business that works in unincorporated King County, the business will be added to our Water Quality Compliance Tracker data base. As part of the complaint resolution, a water quality audit discussing appropriate source control BMPs will take place and a follow up letter will be prepared to facilitate compliance.

S5.C.7.b.iii

Starting no later than 24 months after the effective date of this permit, implement an audit/inspection program for sites identified pursuant to S5.C.7.b.ii. above.

- *All identified sites with a business address shall be provided, by mail, telephone, or in person, information about activities that may generate pollutants and the source control requirements applicable to those activities. This information may be provided all at one time or spread out over the last three years of the permit term to allow for some tailoring and distribution of the information during site inspections.*

S5.C.7. Source Control Program for Existing Development

Businesses may self-certify compliance with the source control requirements at the discretion of the Permittee. The Permittee shall inspect 20% of these sites annually to assure BMP effectiveness and compliance with source control requirements. The Permittee may select which sites to inspect each year and is not required to inspect 100% of sites over a 5-year period. Sites may be prioritized for inspection based on their land use category, potential for pollution generation, proximity to receiving waters, or to address an identified pollution problem within a specific geographic area or sub-basin.

SWS has had a source control program in place since 1995. The program generally has been a complaint based program. By August 2008 a well defined inventory of potentially pollutant generating businesses/sites will be completed. (see S5.C.7.b.ii) By that time we will define what constitutes 20% of the inventory. We expect that additional staff resources will be needed to reach the required 20% site inspection rate starting in 2009. Sites will be prioritized by business type and the potential for business activities to generate and discharge hazardous, dangerous and toxic substances to surface and storm water.

Because of the annexations in the urban area that are planned over the next few years, and the uncertainty that this creates about the number of businesses that will remain in unincorporated King County, the number of sites will be in flux, which means that the 20% inspection goal will be updated each year in the SWMP.

- *Each Permittee shall inspect 100% of sites identified through legitimate complaints*

We currently investigate all water quality complaints received in SWS. Once investigated, these complaints are either closed with no problem identified, referred to another agency, or “turned to” a Water Quality review for further research and investigation or a Water Quality Audit for an on-site source control visit.

S5.C.7.b.iv.

No later than 24 months after the effective date of this permit, each Permittee shall implement a progressive enforcement policy to require sites to come into compliance with stormwater requirements within a reasonable time period as specified below:

- *If the Permittee determines, through inspections or otherwise, that a site has failed to adequately implement required BMPs, the Permittee shall take appropriate follow-up action(s) which may include: phone calls, reminder letters or follow-up inspections.*
- *When a Permittee determines that a facility has failed to adequately implement BMPs after a follow-up inspection, the Permittee shall take further enforcement action as established through authority in its municipal code and ordinances, or through the judicial system.*
- *Each Permittee shall maintain records, including documentation of each site visit, inspection reports, warning letters, notices of violations, and other enforcement records, demonstrating an effort to bring facilities into compliance. Each Permittee*

S5.C.7. Source Control Program for Existing Development

shall also maintain records of sites that are not inspected because the property owner denies entry.

- A Permittee shall contact Ecology immediately upon discovering a source control violation that presents a severe threat to human health or the environment. A Permittee may refer non-emergency violations of local ordinances to Ecology, provided, the Permittee also makes a documented effort of progressive enforcement. At a minimum, a Permittee's enforcement effort shall include documentation of inspections and warning letters or notices of violation.*

SWS has had an enforcement program in place since 1995. We use both [KCC 9.12-- Water Quality](http://www.kingcounty.gov/council/legislation/~media/Council/documents/Clerk/Code/12_Title_9.ashx) (http://www.kingcounty.gov/council/legislation/~media/Council/documents/Clerk/Code/12_Title_9.ashx) and [KC Code 23--Enforcement](http://www.kingcounty.gov/council/legislation/~media/Council/documents/Clerk/Code/32_Title_23.ashx) (http://www.kingcounty.gov/council/legislation/~media/Council/documents/Clerk/Code/32_Title_23.ashx), which have legally defined processes and procedures as adopted by the King County Council. All actions are documented in the Water Quality Compliance data base. The airport will begin a program of site inspections in 2008 and by February 1, 2009 provide site inspection reports for each tenant that identify applicable source control requirements and the implementation status of source control BMPs.

S5.C.7.b.v.

No later than 24 months after the effective date of this permit, each Permittee shall ensure that all staff whose primary job duties are implementing the source control program are trained to conduct these activities. The training shall cover the legal authority for source control (adopted codes, ordinances, rules, etc.), source control BMPs and their proper application, inspection protocols, and enforcement procedures. Follow-up training shall be provided as needed to address changes in procedures, techniques or staffing. Permittees shall document and maintain records of the training provided and the staff trained.

SWS has an existing training program for all new employees that are hired to conduct source control inspections. New staff spend a minimum of 3 days with existing staff completing site inspections. In addition, coaching and guidance are provided through biweekly meetings with Water Quality Compliance staff. We are currently updating our Water Quality Compliance Manual, which outlines step by step procedures for inspection and enforcement, and plan to provide training, or training guidance to ensure that all KC employees primarily doing source control are adequately trained. We will track training in the existing training data base within the SWS section.